

REMARKS

Examiner Fenn Mathew is thanked for the thorough Office Action.

In the Claims

Parent claim 53 is amended. The preamble is amended as "[[An]] A jump rope simulation exercising device comprised of two units, each [[a]] unit comprised of:". For support see Summary of the invention, Spec. p. 3 and 4. See claim 1 as filed in the original application.

Claim 53 is also amended as "said elongated second element attached to said first loop only by said first loop forming device and a second loop forming device; ". For support see figure 2F.

Parent claims 64, 68 and 71 have similar amendments. For support see the support for claim 53 above.

New claims 74 and 75 are added. Parent claim 74 is objected to claim 56 rewritten to include the limitation of any intervening claims.

Dependent claim 75 contains the limitation of objected to claim 57 rewritten to include the limitation of any intervening claims less the limitations already in parent claim 74 from claim 56.

The claims are amended as shown above. No new matter is added.

Entry of all amendments is respectfully requested for purposes of appeal. **Applicant specifically requests the entry of the New claims 74 and 75 that are allowable claims 56 and 57 rewritten.** The amendments place the application in better condition for appeal. The amendments are made at this time in response to the instant office action and the anticipation of streamlining discussions for appeal.

REJECTIONS OF CLAIMS – 35 U.S.C. § 102

Rejection of claims 53, 58, 59, and 64-73 under 35 U.S.C. § 102(b) as being anticipated by Schweitzer '356

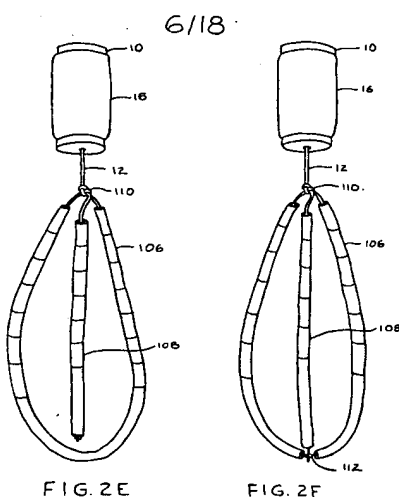
The rejection of claims 53, 58, 59, and 64-73 under 35 U.S.C. § 102(b) as being anticipated by Schweitzer '356 is acknowledged. Reconsideration and withdrawal is respectfully requested in view of the amendments to the claims and following remarks.

Amended claim 53 states:

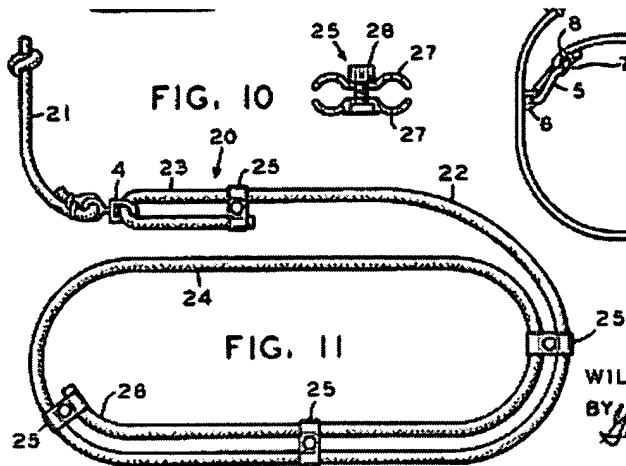
53. (CURRENTLY AMENDED) [[An]] A jump rope simulation exercise exercising device comprised of two units, each [[a]] unit comprised of:

- a handle, an elongated first element attached to said handle, and said elongated first element has at least a first loop; said first loop formed by a first loop forming device; said first loop is entirely outside of said handle;
- a first segment of said elongated first element that is not part of said first loop, is between said handle and said first loop;
- an elongated second element attached directly to said first loop forming device;
- said elongated second element attached to said first loop only by said first loop forming device and a second loop forming device;
- said first loop forming device and said second loop forming device located at about opposite sides of said first loop.

Applicant's figure 2F is shown below for reference.



In Contrast Schweitzer shows:



Amended claim 53 differentiates over Schweitzer because Schweitzer does not suggest and teaches away from claim 53 limitations:

1) “**A jump rope simulation exercising device**” -

In contrast Schweitzer teaches a “lariat for skipping and spinning”. See Schweitzer title.

2) “**said elongated second element attached to said first loop only by said first loop forming device and a second loop forming device;**”

In contrast, Schweitzer figure 10, teaches the second element 22 attached by 3 devices (25). Schweitzer’s devices 25 are designed to hold the rope 22 to form only one loop. In contrast, applicant’s elongated second element See Applicant’s figure 2F.

3) “**said first loop forming device and said second loop forming device located at about opposite sides of said first loop.**”

In contrast, Schweitzer figure 11 (and all figures) shows the second element NOT attached at about opposite sides of said first loop. There is no reason to modify Schweitzer to met claim 53. Applicant’s second element 108 is attached at about opposite end of the loop 106 to hold the loop open and hold the second element 108 away from the loop 106. In contrast,

Schweitzer device 25 holds the second element onto the rope. This is necessary to for the lariat to spin properly. Also, a major point of Schweitzer's lariat is to allow the size of the loop to be adjusted. See Schwietzer, col. 1, L 13-16. Schweitzer teaches a skip rope (see figure 1) that is different and unrelated to applicant's Jump rope simulation device See applicant's claim 53. .

Claim 58 is not anticipated

claim 58 states

58. (PREVIOUSLY PRESENTED) The exercise device of claim 53 wherein said first loop and said elongated second element at least partially covered by a tubular element; said tubular element maintains a spread-open "U" shape at the end of said first loop.

Claim 58 depends from non-obvious parent claim 53.

Claim 58 states-- "said tubular element maintains a spread-open "U" shape at the end of said first loop." -- In contrast, Schweitzer's device 25 do not "maintains a spread-open "U" shape at the end of said first loop". Schweitzer's devices 25 are not located at the end of the first loop.

Claim 59 is non-obvious

Claim 59 depends from non-obvious parent claim 53.

Amended Parent claim 64 is not anticipated and is non-obvious

Amended Parent claim 64 is not anticipated and is non-obvious.

64. (PREVIOUSLY PRESENTED) A jump rope simulation exercising device comprised of two units ~~a unit~~; ~~said~~ each unit comprised of:

- a handle and an elongated element attached to said handle;
- said elongated element comprised sequentially of a first end, a first segment, a first attachment point, a second segment, a second attachment point, a third segment, and a second end;
- a first attachment device attaching said first attachment point and said second attachment point to form a loop comprised of said second segment;
- a second attachment device attaching (a) an end point on said third segment proximate said second end and (b) a point on said second segment;
- said elongated element is only attached to said handle, said first attachment device and said second attachment device.

Below, Figure B and figure 2F illustrate an embodiment that reads on claim 64. Figures B and 2F shows the element terms used in Claim 64. Figure B & 2F are equivalent and show corresponding elements. The figures are to aid understand claim terminology.

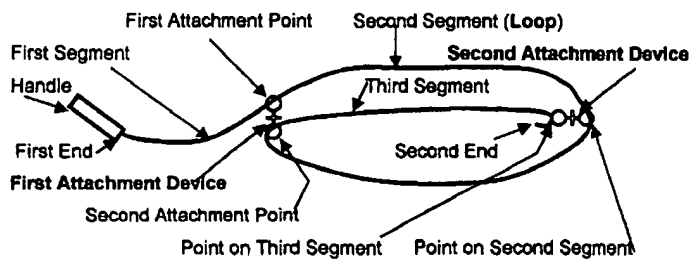


FIG. B

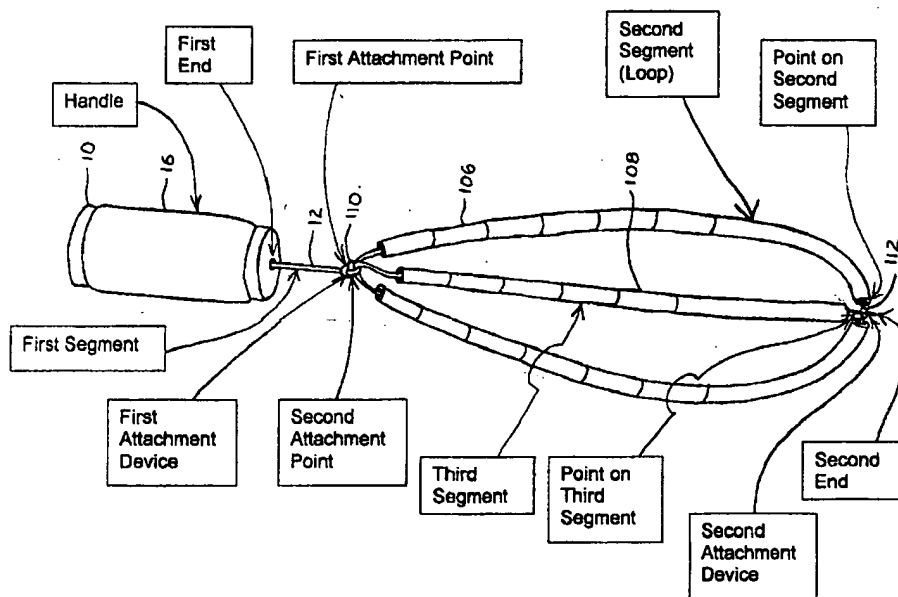


FIG. 2F

Claim 64 differentiates over Schweitzer because Schweitzer teaches away from the following limitations.

1) “**A jump rope simulation exercising device**” -

In contrast, Schweitzer teaches a “lariat for skipping and spinning”. See Schweitzer title.

2) said elongated element is **only** attached to said handle, said first attachment device and said second attachment device.

In contrast Schweitzer figure 12 teaches 3 attachment devices.

Claim 67 is non-anticipated

Claim 67 states:

67. (PREVIOUSLY PRESENTED) The exercising device of claim 64 wherein said first attachment device further attaches said elongated element to said handle.

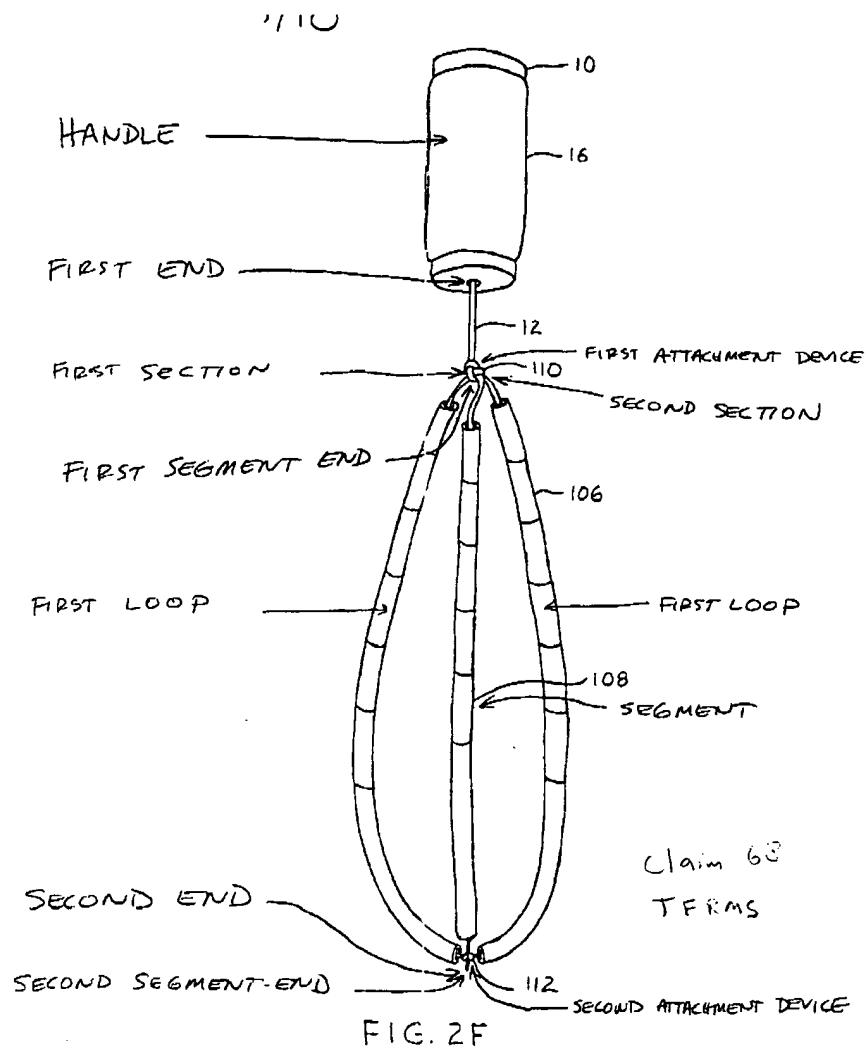
Applicant's figure 7A, 7B and 7C show embodiments where the "first attachment device (see figure 7B element 230) attaches the elongated element to the handle. In contrast, Schweitzer does not suggest this.

Amended Parent claim 68 is non-obvious

Claim 68 states:

68. (CURRENTLY AMENDED) [[An]] A jump rope simulation exercising device that is held and rotated in use comprised of [[a]] two [[unit]] units: each unit comprised of:
 ~~said unit comprised of:~~ a handle and an elongated first element, said elongated first element has a first end and a second end;
 said handle attached to said elongated first element proximate said first end; a first loop formed by attaching a first section of said elongated first element to a second section of said elongated first element using a first attachment device;
 a segment of said elongated first element with a first segment-end attached to said first loop by said first attachment device; and
 a second segment-end equal to said second end that is attached proximate said segment second-end to said first loop by a second attachment device;
 said elongated first element is only attached to said handle, said first attachment device and said second attachment device.

The labeled figure 2f below shows the terms used in claim 68. This figure was in the previous response to office action.



Claim 68 is not anticipated for the reasons given above for claim 64.

Parent claim 71 is non-anticipated

Parent Claim 71 is not anticipated for the reasons given above for claim 64.

CLAIM REJECTIONS - 35 U.S.C. § 103

Rejection Of Claim 54 Under 103(A) As Unpatentable Under Schweitzer

The rejection of claim 54 Under 103(A) as unpatentable under Schweitzer is acknowledged. Reconsideration and withdrawal of the rejection is respectfully requested in view of the amendments.

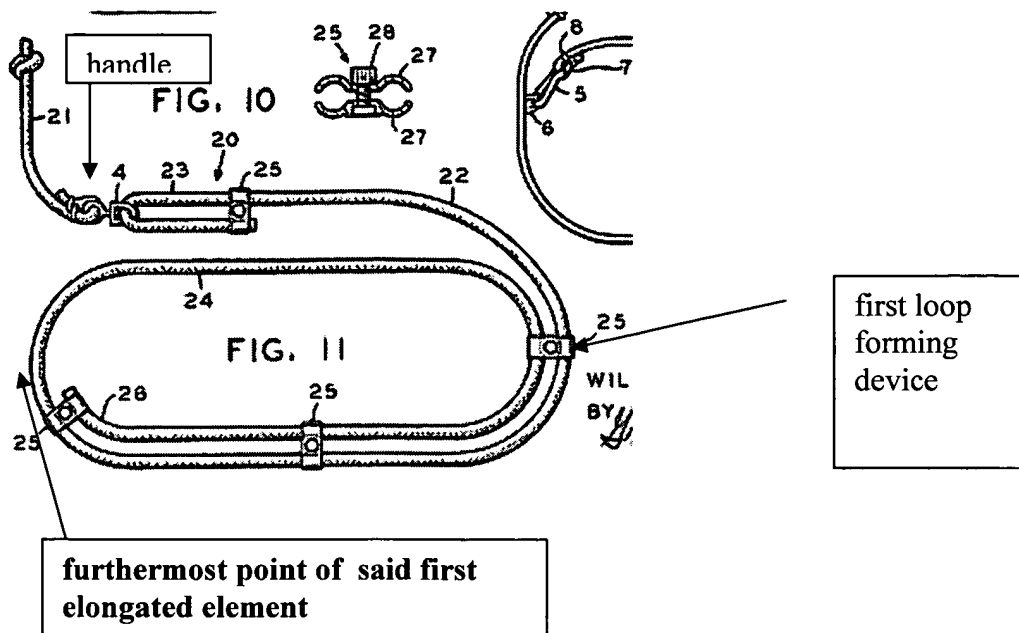
Claim 54 states:

54. (PREVIOUSLY PRESENTED) The exercise device of claim 53 wherein the distance between said first loop forming device and said handle is less than about 2.5 inches; and the distance from the bottom of the handle and the furthestmost point of said first elongated element is between 10 and 24 inches.

Claim 54 depends from amended non-obvious parent claim 53 as discussed above.

The measurements in Claim 54 are not a matter of design choice for Schweitzer. Schweitzer's Lariat would be much longer and longer. Schwietzer figure 1 shows a configuration for skipping rope that would be more than 3 times longer than claim 54. Also, Schweitzer's figure 12 configuration would require a "distance between said first loop forming device and said handle MUCH GREATER than about 2.5 inches" for the device to operate as a lariat.

For example. See Schweitzer figure 12. The distance between the handle 4 and the 1st loop forming device 25 must be more than "2.5 inches" for the lariat to spin properly.



Secondly, Schweitzer's distance "the distance from the bottom of the handle and the furthestmost point of said first elongated element would be much Larger than between 10 and 24 inches for the larriet to spin properly.

ALLOWABLE AND OBJECTED TO CLAIMS

The allowance of claims 60-63 is gratefully acknowledged.

Objected to claim 56 is rewritten as new parent claim 74.

Objected to claim 57 is rewritten as new dependent claim 74 (depends from claim 74). Dependent claim 75 contains the limitation of objected to claim 57 less the limitations already in parent claim 74 from claim 56.

CONCLUSION

In conclusion, allowance of all claims is respectfully requested. Issuance of the application is requested.

It is requested that the Examiner telephone the undersigned attorney at (215) 670-2455 should there be anyway that we could help to place this application in condition for allowance.

Respectfully submitted,

 3/22/04

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